

EXHIBIT K

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION
Plaintiff,)	NO. 1:16-cv-03088-ELR
)	
vs.)	
)	
STATE OF GEORGIA,)	
)	
Defendants.)	
- - - - -)	

VIDEOTAPE DEPOSITION OF
CLARA KEITH BROWN

Tuesday, June 7, 2022, 9:18 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
25

1 BY MS. GARDNER:

2 Q Ms. Keith Brown, the court reporter has
3 just handed you Plaintiff's Exhibit 56. This is an
4 email chain with the most recent email being one
5 from you to Nakeba Rahming, sent on March 16, 2015,
6 with the subject "Re: CPI Training."

7 The first page of this document is
8 Bates-stamped GA00481564.

9 Is this an email you wrote to Nakeba
10 Rahming?

11 (Witness reviews exhibit.)

12 A I've read -- I finished reading, and your
13 question is?

14 Q My question is at the top of this
15 document, is this an email that you wrote to Nakeba
16 Rahming?

17 A I would assume so. I wouldn't remember.
18 It was 19 -- it was 2016.

19 Q Do you have any reason to believe that you
20 did not write this email?

21 A No, I do not.

22 Q Who is Nakeba Rahming?

23 A Nakeba Rahming was the program director
24 for the GNETS program. I may not have her title
25 completely accurate.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
26

1 Q And when you say program director for the
2 GNETS program, who was Ms. Rahming's employer?

3 A She was the Georgia -- she was an employee
4 of the Georgia Department of Education.

5 Q You note in this email, you say: "I think
6 it is important for the GNETS to understand the goal
7 of the GNETS program is to transition students back
8 to their LRE and as much as possible, in the general
9 education program."

10 Have I read that correctly?

11 A Yes, you read it correctly.

12 Q What is LRE?

13 A LRE is least restrictive environment.

14 Q And what does that mean?

15 A Least restrictive environment. That
16 wherever possible the student is in the general
17 education classroom with his or her peers, with
18 support services in that classroom, depending on the
19 needs of the students. It may -- they may need
20 different services depending on what you identified
21 in the IEP.

22 THE VIDEOGRAPHER: Can we take a quick
23 break.

24 We're off the record at 9:44 a.m.

25 (A recess was taken.)

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
33

1 Q And then I believe you said that you
2 resigned your position with DBHDD in 2018?

3 A Correct.

4 Q And just to clarify, DBHDD is the acronym
5 used for the Georgia Department for Behavioral
6 Health and Developmental Disabilities, correct?

7 A Correct.

8 Q So if I use the phrase "DBHDD," you'll
9 understand that to mean the agency that employed you
10 between September of 2015 and when you resigned the
11 position in 2018?

12 A Correct.

13 Q What was your official title at DBHDD when
14 you retired in 2018?

15 A Director.

16 Q Director?

17 A Yes.

18 Q And how long did you hold that title?

19 A From September of 2015 until I resigned in
20 March of 2018.

21 Q How did you come to hold that title?

22 A I'm not -- I don't understand your
23 question.

24 Q Well, so you told me earlier that Mr.
25 Winter approached you to ask if you would consider

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
46

1 findings would be helpful for them?

2 A I think it was important for them to know
3 what I knew.

4 Q So I take it then that the group of people
5 to whom you circulated the letter of findings in
6 this email were not previously familiar with that
7 letter of findings?

8 A I can't answer that.

9 Q So you didn't know whether they were or
10 not, but you wanted to make sure they had access to
11 it?

12 A Correct.

13 Q Okay. We've talked a bit about the people
14 that you worked with on a regular basis within DBHDD
15 while you were director. Is there anyone who you
16 met with on a regular basis within DBHDD that we
17 have not talked about yet?

18 A I can't recall anyone.

19 Q Okay. Did you work on a regular basis
20 with anyone outside of DBHDD to discharge your
21 responsibilities when you were a director?

22 A Yes.

23 Q And where outside of DBHDD were those
24 people who you worked with on a regular basis?

25 A The Georgia Department of Education.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
47

1 Q Anywhere else?

2 A No.

3 Q What was the role of the Georgia
4 Department of Education in the GNETS program?

5 A The role of -- from my understanding, the
6 role was to ensure that the funding from -- that was
7 appropriated was given, allocated to the GNETS, and
8 that the Division of Special Education would have
9 provided support or professional learning if they so
10 -- if they asked for professional learning to GNETS.

11 Q Any other roles?

12 A No. I'm not -- I can't recall any.

13 Q Who at the Georgia Department of Education
14 did you work with on a regular basis when you were
15 director at DBHDD?

16 A I worked very closely with Nakeba Rahming
17 after she was hired. I worked closely with the
18 Facilities Division, specifically with Mike Rowland.

19 I worked closely with the Policy Division
20 when the GNETS rule was going through negotiated
21 rulemaking.

22 I worked closely with -- at that time her
23 name -- Debbie Gay, the director of Special
24 Education.

25 There may have been others, but those are

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
48

1 the ones that come to mind immediately.

2 Q Did you work on a regular basis with Matt
3 Jones?

4 A Yes. Matt Jones was the chief of staff.
5 I kept him informed about the work. About my work.

6 Q Did you work on a regular basis with
7 Zelphine Smith-Dixon?

8 A I worked with Zelphine.

9 Q And what did you work with her on?

10 A She was the director of Special Education,
11 if I'm not mistaken, and Debbie Gay was the
12 associate superintendent. So I would have -- if I
13 had any questions, if I -- if she was planning
14 professional learning for GNETS, I would have
15 attended those special learning -- professional
16 learning sessions.

17 Q Did you work on a regular basis with
18 Vickie Cleveland?

19 A When she was first hired, yes, I did.

20 Q And she was hired into what position?

21 A I don't recall her position. I remember
22 when she was rehired -- when she was hired.

23 Q What did you work with her on when she was
24 hired?

25 A I believe, the best of my recollection,

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
55

1 A No.

2 Q In this email you advise Mr. Austensen
3 that you're now with DBHDD; is that right?

4 A That is correct.

5 Q And you say, quote: "I'm providing
6 oversight and supporting the GaDOE's GNETS program."
7 Is that right?

8 A Correct.

9 Q The reference here to GaDOE means the
10 Georgia Department of Education?

11 A Correct.

12 Q We've talked a bit about your job
13 responsibilities, but I want to be sure that I'm
14 clear here.

15 When you say you're providing oversight,
16 in what ways did you understand yourself to be
17 providing oversight of GaDOE's GNETS program?

18 A Oversight for the revision of the GNETS
19 rule, oversight for the updating of the procedural
20 manual, oversight for making sure that divisions
21 within the Georgia Department of Education were
22 working together to -- particularly on the
23 facilities program. And oversight for making sure
24 that the Georgia Department of Education knew who --
25 what resources existed outside or external of the

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

56

1 Georgia Department of Education.

2 Q In this email you say you were in Twin
3 Towers two to three days per week. What does that
4 mean?

5 A I went to work at Twin Towers, which is
6 the Georgia Department of Education, for two to
7 three days per week.

8 Q So Twin Towers is the Georgia Department
9 of Education building?

10 A That is correct.

11 Q You were working full-time at the time you
12 sent this email?

13 A Yes.

14 Q And so the remaining days of the week, I
15 take it, you were at DBHDD?

16 A Yes, unless I was offsite doing other
17 work, yes.

18 Q And in what circumstances would you do
19 work offsite?

20 A I would have attended professional
21 learning opportunities with Nakeba. I would have
22 met with Nakeba at a particular GNETS if she needed
23 me to be there.

24 I attended all of the rulemaking sessions
25 which were outside of the Atlanta area, outside of

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

63

1 I'm going to do my best to kind of group
2 those into some broad categories so that we can sort
3 of work from the same page in terms of some of the
4 big areas in which you worked on GNETS. Is that
5 okay?

6 A Yes.

7 Q Okay. So I believe that you told me that
8 one of the broad areas in which you worked on GNETS
9 related to a strategic plan; is that right?

10 A Yes.

11 Q A second area that you mentioned was a
12 GNETS manual?

13 A I reviewed that manual, yes.

14 Q What is a GNETS manual?

15 A It was a document providing guidance on
16 how to implement the GNETS rule.

17 THE VIDEOGRAPHER: I'm sorry, do you have
18 your mike back on?

19 THE WITNESS: You're good.

20 MS. GARDNER: Want me to start over?

21 THE VIDEOGRAPHER: No. Thank you.

22 BY MS. GARDNER:

23 Q So in addition to working on a strategic
24 plan for GNETS, you also worked on guidance for
25 GNETS?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

65

1 p.m. This document bears the Bates-stamp
2 GA00481563.

3 Is this a calendar invitation that you
4 received from Ms. Rahming?

5 A Yes.

6 Q And correct that in this calendar
7 invitation Ms. Rahming says: "We will be meeting to
8 review and discuss our updates on our project plan,
9 strategic plan, data collection progress and outline
10 for a service delivery model"?

11 A Yes.

12 Q Did anyone else attend this meeting apart
13 from you and Ms. Rahming?

14 A I would not remember.

15 Q But the calendar invitation wasn't sent to
16 anyone except for you and Ms. Rahming?

17 A That's correct.

18 Q Of the things that are listed here as
19 subjects of your meeting, you've already told me
20 about just generally that you worked on a strategic
21 plan?

22 A Yes.

23 Q This calendar invitation references a
24 project plan. What is that?

25 A That would have been a plan that Nakeba

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

66

1 had to outline the broad areas of work that I
2 mentioned earlier, revising the State Board rule,
3 looking at the operations manual to implement that
4 rule, and any collaboration with partners that we
5 were trying to establish.

6 Q And when you say it outlined the broad
7 areas of work, in what ways did it outline the broad
8 areas of work?

9 A An example would be with the strategic --
10 with the State Board of Education rule, the GNETS
11 rule, we would have defined the steps that we needed
12 to take. We would have defined a person responsible
13 for ensuring those steps were met.

14 We would have -- for that rule, for
15 example, we would have defined that we needed
16 geographical locations at varying times during the
17 day so as many stakeholders as possible could attend
18 the meetings.

19 Q And so I take it that plan included
20 multiple broad areas of work but one of which is,
21 you're using as an example, is GNETS rulemaking?

22 A Yes.

23 Q You also, it sounds like from this
24 calendar invitation, were planning to discuss data
25 collection progress?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

67

1 A Yes.

2 Q And what does that refer to?

3 A So that would have been Nakeba's project,
4 and she would have been updating me on data
5 collection. I don't recall the specific data
6 collection that she's referring here, but that would
7 have been Nakeba's responsibility.

8 Q Okay. So the data collection progress was
9 a project of Ms. Rahming's?

10 A Yes.

11 Q And in this meeting she would have just
12 been providing you with updates on how that project
13 was coming along?

14 A Correct. And I would have been providing
15 her my guidance on who she needed to talk to to make
16 that happen, if she needed my help.

17 Q Now, the strategic plan that's mentioned
18 here, whose project was that?

19 A That would have been Nakeba's project.

20 Q And what was then your role in the
21 strategic plan?

22 A I would -- I'm sorry.

23 I would have been there to provide
24 guidance, answer questions that I had knowledge
25 about, give -- an example would be if the State

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

68

1 Board of Education rule is passed by the State Board
2 of Education, in the strategic plan we need to make
3 sure that GNETS directors have access to that plan
4 and that there is training on -- well, technical
5 assistance on that plan.

6 I would have been there to make sure that
7 was included.

8 Q Okay. Moving on, this calendar invitation
9 references outlining for a service delivery model?

10 A Yes.

11 Q What is that?

12 A I can't answer that question. That would
13 have been Nakeba.

14 Q So that would have been a project of Ms.
15 Rahming's?

16 A That is correct.

17 Q As with the data collection progress
18 project, is that a project of Ms. Rahming's that she
19 would have been providing you updates on?

20 A That's correct.

21 Q And likewise, with the project plan, was
22 that a project of Ms. Rahming's as well?

23 A It indicates that it is our project plan.
24 So Nakeba and I would have been working on this
25 together, on the project plan together.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

90

1 meetings as opposed to statewide meetings.

2 If there were any professional learning
3 that was recommended for all GNETS directors, either
4 recommended for GNETS directors or recommended as a
5 Train The Trainer model, then that person would need
6 to secure the delivery of that professional
7 learning. That person would need to then actually
8 go on-site to ensure that the intended professional
9 learning is exactly what happened.

10 Q So the GNETS education program specialist
11 may have needed to travel on-site for purposes of
12 providing training? Is that one of the sort of
13 purposes of travel in this particular position?

14 A Yes.

15 Q And then I think you also mentioned in
16 situations where the education program specialist
17 may not have been providing the training themselves,
18 they might be on-site to ensure that the training
19 delivered was actually what was supposed to be
20 delivered?

21 A Yes.

22 Q Did the GNETS education program specialist
23 travel on-site to assess programs in any way?

24 A Yes.

25 Q And sort of what was the nature of the

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

91

1 assessment that the education program specialist
2 might travel to GNETS programs for?

3 A The GNETS were required to complete the
4 strategic plan. There is an assessment partner. So
5 the GNETS person would have gone on-site to have a
6 discussion about that rating.

7 Q And when the GNETS education program
8 specialist went on-site to have a discussion about
9 that rating, was the education program specialist
10 looking at anything to determine whether that rating
11 was accurate?

12 A I hesitate because I did not see any data,
13 for example, that the -- that the specialist would
14 have -- that Nakeba in this particular case would
15 have pulled, but -- so I can't say for certain that
16 that is exactly what happened.

17 Q Okay. Was there any out-of-state travel
18 required for or contemplated for the education
19 program specialist?

20 A I don't recall.

21 MS. GARDNER: I'm handing the court
22 reporter what I would like to request be marked
23 as Plaintiff's Exhibit 64.

24 (WHEREUPON, Plaintiff's Exhibit-64 was
25 marked for identification.)

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

94

1 question is both." Is that correct?

2 A Yes.

3 Q Then you go on to say: "The position is a
4 newly funded position but expectation is this
5 position will provide direct leadership and indirect
6 supervision to the GNETS. Some of the operations
7 details are still left to be worked out, thus the
8 reason we stressed the person filling this position
9 will need to be flexible."

10 A Yes.

11 Q In what ways was the expectation that the
12 position would provide direct leadership to the
13 GNETS?

14 A Direct leadership for implementing or
15 adhering to the State Board of Education GNETS rule,
16 and following the guidance that was developed for
17 that rule.

18 Q Any other ways?

19 A That's my best answer.

20 Q In what ways was the expectation that the
21 position would provide indirect supervision to the
22 GNETS?

23 A Yes. Indirect because GNETS directors did
24 not report to anyone at the Georgia Department of
25 Education, but the State Board of Education rule

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

95

1 following the guidance as outlined in the manual, as
2 well as working on the strategic plan and evaluating
3 each, each director evaluating the services that
4 were provided through GNETS, this person would have
5 -- Nakeba would have been directly responsible for
6 that.

7 THE VIDEOGRAPHER: I'm sorry, we need to
8 take another break.

9 Off the record at 12:05 p.m.)

10 (A recess was taken.)

11 THE VIDEOGRAPHER: We're back on the
12 record at 12:09 p.m.

13 BY MS. GARDNER:

14 Q We were discussing the email that Ms.
15 Rahming sent to you after interviewing with the
16 Georgia Department of Education for the position
17 that she was ultimately hired into.

18 Ms. Rahming includes in her email a third
19 question that she remembered after her interview.

20 Do you see that?

21 A Yes.

22 Q And that question is: "What are your
23 short and long-term expectations of the hired
24 candidate?"

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

96

1 Q You also include in your email response to
2 her an answer to that question?

3 A Yes.

4 Q Am I correct that answer says: "The
5 short-term expectations include working with Debbie
6 Gay and me to develop a project management plan that
7 includes detailed action steps to address program
8 improvements; determining any budget needs to
9 implement program improvements; visiting the GNETS
10 programs to determine current levels of
11 implementation"?

12 A Yes.

13 Q And then you go on to say: "In the
14 long-term, it is important for the GNETS to be an
15 option in the continuum of services for eligible
16 students. Please note we are expecting the person
17 filling this position to assist in finalizing both
18 short and long-term goals for GNETS."

19 A Yes.

20 Q You say at the beginning that the
21 short-term expectations include working with Debbie
22 Gay and you to develop a project management plan
23 that includes detailed action steps to address
24 program improvements?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

97

1 Q Is that the same project plan that we
2 discussed earlier when looking at the list of issues
3 that you and Ms. Rahming were going to meet about to
4 discuss updates?

5 A Yes.

6 Q You also include as short-term
7 expectations working with Debbie Gay and you to
8 determine budget needs to implement program
9 improvements?

10 A Yes.

11 Q And then visiting the GNETS programs to
12 determine current levels of implementation?

13 A Yes.

14 Q What did you mean by current -- by
15 determining current levels of implementation?

16 A I don't -- I can't specifically remember
17 exactly why that was there, but it would have -- in
18 my thinking, it would have been related to
19 implementing the State Board of Education rule and
20 the guidance in the, in the GNETS manual.

21 Q And once Ms. Rahming was hired, did she
22 work with you and Debbie Gay to visit GNETS programs
23 to make that determination?

24 A Not with -- we did not go as a team.

25 Q Did Ms. Rahming go?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

98

1 A To the best of my recollection, she would
2 have begun that process before I left, yes.

3 Q But you did not accompany her?

4 A Based on my recollection, it is possible
5 that I accompanied her, but it wasn't necessary for
6 me to actually attend each of those sessions with
7 the GNETS.

8 Q Okay. So you may have -- you may have
9 joined Ms. Rahming on some on-site visits but
10 on-site visits were her responsibility, and so you
11 would not have needed to go to every single one?

12 A That is correct, because the document they
13 would have been using would have been the strategic
14 plan. They would have been -- they would have
15 actually completed the portion of the strategic plan
16 that the GNETS directors needed to complete for
17 their program. And so I may have attended a couple
18 of those sessions, but I know I did not go with
19 Nakeba on -- I'm sorry -- Ms. Rahming on every
20 visit.

21 Q You mentioned the project management plan
22 here. Did Ms. Rahming in fact work with you and
23 Debbie Gay to develop a project management plan?

24 A Yes.

25 Q Was any part of that project management

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

99

1 plan developed prior to Ms. Rahming being hired?

2 A There -- yes. I developed a project
3 management plan for the three areas that were --
4 that I was expected to work on.

5 Q And you developed that prior hiring Ms.
6 Rahming? Ms. Rahming being hired?

7 A Yes, because her hiring would have been
8 one of the strategies that I would have concluded
9 was necessary when I put together my own project
10 management plan.

11 Q And so that project management plan that
12 you developed prior to Ms. Rahming's hire, what were
13 those three areas that you had included in that plan
14 already?

15 A To review the State Board of Education
16 rule and make recommendations. The recommendation
17 was to begin the negotiated rulemaking; to ensure
18 that once the negotiated rulemaking had started,
19 that there be multiple opportunities for
20 stakeholders to provide comments or to just come and
21 listen, and that those hearings should be held in
22 multiple places throughout the state for
23 geographical representation.

24 That we review -- that I review the manual
25 related to GNETS and determine if that manual, after

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

100

1 talking with the special education staff,
2 specifically Debbie Gay, and there may have been
3 other staff, if there was a need to update the
4 manual; to ask questions, like does it accurately
5 represent what you know to be operational at this
6 time; to make recommendations for any professional
7 learning for staff at the Department of Education,
8 for LEA's, for special education directors at local
9 school districts, as well as for GNETS directors.

10 And also to coordinate, collaborate within
11 the Department of Education different divisions, as
12 well as with the DBD -- the Department of Behavioral
13 Health and Developmental Disabilities, to coordinate
14 learning about those resources that were available
15 through DBHDD.

16 Q So what I understand based on what you
17 just said, that those three areas were the State
18 Board of Education GNETS rule, GNETS manual and
19 guidance, and then coordination of division or areas
20 within the Georgia Department of Education and DBHDD
21 about services?

22 Is that a fair summary of the sort of
23 three general areas that you had included in the
24 project management plan prior to Ms. Rahming's hire?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

101

1 Q This portion of the project management
2 plan that you developed prior to Ms. Rahming's hire,
3 did anyone else participate in drafting that or was
4 that your responsibility? How did that come to be?

5 A That was my responsibility based on my
6 conversation with Mr. Winter and State Board of
7 Education expectations about what my role was to be
8 in this, in this project.

9 Q Anyone else a part of the conversation
10 with Mr. Winter that sort of provided you with the
11 understanding that you needed to develop this
12 project management plan?

13 A No. But I need to explain.

14 Mr. Winter shared with me the report. He
15 shared with me the State Board of Education rule.
16 As a result of that, I determined what my steps
17 needed to be in order to be able to make
18 recommendations to the State Board.

19 Q Okay. And so when you determined those
20 steps, you started to outline those in what was the
21 beginning of the project management plan?

22 A Correct.

23 Q Okay. Who set the short-term goals that
24 you identified in your response to Ms. Rahming here?

25 A I believe I said she would be expected to

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

109

1 provided her contact information for the GNETS as
2 well.

3 Q The strategic plan that you mentioned was
4 one of Ms. Rahming's projects. Had that been
5 started at the time that you were assisting Ms.
6 Rahming in sort of getting her bearings within the
7 Department of Education?

8 A Yes.

9 Q Who started that prior to Ms. Rahming
10 arriving?

11 A She would have started that.

12 Q She would have started that when she
13 arrived?

14 A Yes.

15 Q In discussing the calendar invitation we
16 looked at earlier for the meeting between you and
17 Ms. Rahming that outlined the four areas in which
18 Ms. Rahming was providing updates to you, do you
19 recall that?

20 A Yes.

21 Q And you can look back if you would like.
22 One of the things listed was an outline
23 for service delivery model. Do you recall that?

24 A Yes, I do.

25 Q What is a service delivery model?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

132

1 therapeutic services were being provided in regional
2 units' programs?

3 A I did not know that.

4 MS. GARDNER: I'd like to ask the court
5 reporter to mark this document as Plaintiff's
6 Exhibit 71.

7 (WHEREUPON, Plaintiff's Exhibit-71 was
8 marked for identification.)

9 BY MS. GARDNER:

10 Q The court reporter has handed you what is
11 marked as Plaintiff's Exhibit 71. This is an email
12 from Nakeba Rahming to you dated June 24, 2016. The
13 subject is "Therapeutic Supports."

14 The first page of the email is
15 Bates-stamped GA00197223.

16 This is an email that you received from
17 Ms. Rahming?

18 A Yes.

19 Q And am I correct if you look at the very
20 first page, in the Attachments field, this email
21 included two attachments?

22 A Yes.

23 Q If you turn to the first attachment, which
24 has the Bates No. ending in 7224, do you see that?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

133

1 Q What is the heading at the top of this
2 document?

3 A "Reviews for clinical staff within a
4 therapeutic setting to serve students."

5 Q Were you involved in preparing this
6 document?

7 A I don't recall specifically being involved
8 in preparing this document.

9 Q But you received this document from Ms.
10 Rahming in the context of this email?

11 A Yes, I did.

12 Q Am I correct that in this email Ms.
13 Rahming is asking -- is saying she will call to
14 discuss feedback on these documents?

15 A Yes.

16 Q If you look at the first paragraph of this
17 document, it says: "In an effort to validate the
18 decisions around GNETS provision of therapeutic
19 services for students, a comprehensive review of
20 other identified therapeutic schools were
21 researched."

22 Do you see that?

23 A Yes.

24 Q Then further down in that paragraph, it
25 says: "The programs reviewed and the makeup of

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

134

1 their clinical staff serve as a basis to compare the
2 makeup of the clinical staff at each of the 24 GNETS
3 programs."

4 Do you see that?

5 A Yes.

6 Q This first paragraph goes on to say:
7 "Based on this comparison, it was determined whether
8 or not identified GNETS programs were staffed to
9 provide therapeutic/behavioral service to students
10 with significant Emotional/Behavioral needs like
11 other therapeutic programs."

12 Do you see that?

13 A Yes.

14 Q So this is a document that Ms. Rahming is
15 providing to you for feedback, and it has to do with
16 the review of clinical staff at regional GNETS
17 programs and whether those programs are staffed to
18 provide therapeutic and behavioral services to
19 students?

20 A Yes.

21 Q The bottom portion of this document
22 identifies three schools outside of Georgia that
23 have therapeutic components; is that right?

24 A Yes.

25 Q And for each of these schools it lists the

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

136

1 And you received this document. You
2 worked with Ms. Rahming. So I'm asking, did you
3 have any understanding when you received this as to
4 what was being communicated here?

5 A She was looking at the data that she
6 listed below, looking at the ratio, therapeutic
7 services and staff provided at GNETS. She talked to
8 GNETS directors, and she looked at other therapeutic
9 programs and pulled all of that information
10 together.

11 Q Okay. At bottom of this document it says:
12 "Please see the attached document with an overview
13 of clinical staff serving each GNETS program for the
14 2015-2016 school year."

15 Do you see that?

16 A Yes.

17 Q So if you could turn to the second
18 attachment, and the first page of that is Bates No.
19 GA 00197225.

20 What is the heading at the top of this
21 document?

22 A "Analysis of clinical staff available to
23 provide direct therapeutic/behavior support to
24 students in GNETS programs."

25 Q Can you walk me through what this document

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

137

1 shows?

2 A The Fiscal Agent, the Site, the Clinical
3 Staff, the LEA Funded clinical staff, Contracted
4 Clinical Staff, total number of students served, the
5 ratio of staff to student, Clinical Support,
6 Directors Interviews as of 6/16/2016.

7 Q And those are the headings for every
8 column that move from left to right in the document
9 on the first page?

10 A Yes.

11 Q This document identifies in the site
12 column each of the 24 regional GNETS programs; is
13 that right?

14 A 23. Maybe -- I want to make sure.
15 Yes, yes.

16 Q And when you say yes, yes, did you count?

17 A There's 24. I did.

18 Q And for each of the 24 regional GNETS
19 programs, this chart contains information that falls
20 into those categories of the columns that you read a
21 few moments ago?

22 A Yes.

23 Q Some of the rows on this document are
24 highlighted in a very dark shade as compared to
25 others. Do you see that?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

138

1 A Yes.

2 Q What is the significance of that shading?

3 A I don't recall.

4 Q Are each of the GNETS programs that are
5 shaded in the darkest color have the text "very
6 concerning" in the column that's titled, "Clinical
7 Support."

8 A Yes.

9 Q And the information in the Clinical
10 Support column, is this a qualitative assessment
11 about the clinical staff at a particular regional
12 GNETS program based on the total number of students
13 served and the ratio of clinical staff to students
14 that's contained in this chart?

15 A I'm not sure if that was the reason it was
16 labeled "concerning" or "very concerning." I don't
17 have that knowledge.

18 Q If you turn to the second page of this
19 document, am I correct there's a legend at the
20 bottom on the right-hand side, has the heading
21 "GNETS Programs?"

22 Do you see that?

23 A Yes.

24 Q Is this the legend that explains when
25 programs were rated very concerning?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

139

1 A This is an explanation of the ratings.

2 Q Okay. If you turn to the very last page
3 of that attachment, the text on the right half of
4 the document, is this basically a summary narrative
5 of the take-aways of this analysis of clinical staff
6 at regional GNETS programs?

7 A Yes.

8 Q In that summary, am I correct that it
9 says, "Compared to other therapeutic models, many of
10 the GNETS programs are operating below the expected
11 student clinical staff ratio for therapeutic
12 services"?

13 A Yes.

14 Q Moving down to the second paragraph below,
15 it says: "Digging deeper, some of the expected
16 clinical services are being provided by
17 non-credentialed personnel trained by GNETS and/or
18 credentialed in another without formal training or
19 certification to deliver counseling services."

20 A Yes.

21 Q And then in the middle of the last
22 paragraph, it notes that "the major reason for using
23 non-credentialed and under qualified staff are that
24 it is most cost effective or it is all the program
25 can afford due to budget limitations"?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

140

1 A Yes.

2 MS. GARDNER: I'd like to have the court
3 reporter mark this document as Plaintiff's
4 Exhibit 72.

5 (WHEREUPON, Plaintiff's Exhibit-72 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q You've been handed Plaintiff's Exhibit 72.
9 This is an email from Nakeba Rahming to you dated
10 July 13, 2017. The subject is "FY18 Therapeutic
11 Staff Assurance."

12 And this email has the Bates stamp
13 GA00198908.

14 This is an email that you received from
15 Ms. Rahming?

16 A Yes.

17 Q And in it she says to you: "Please review
18 and let me know your thoughts. We can work on edits
19 tomorrow."

20 A Yes.

21 Q Ms. Rahming attaches a document to this
22 email that -- at least the file name document
23 appearing on the email page is FY18 Therapeutic
24 Staff Assurances?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

141

1 Q Correct? Okay.

2 If you take a look at the attachment,
3 which is Bates-stamped GA00198909; when Ms. Rahming
4 says that you can work on edits tomorrow, she's
5 referring to edits to this attachment?

6 A Yes.

7 Q What was the purpose of this form?

8 A The purpose of this form was to get
9 assurances from the fiscal agent that funds provided
10 through the GNETS grant would be used for the
11 purposes of providing and/or enhancing therapeutic
12 support services at GNETS.

13 Q So this was a document that would be
14 signed if a GNETS, a regional GNETS program were
15 receiving funds for a service agreement with the
16 provider of clinical services to students?

17 A Say that again.

18 Q Yeah. I'm just clarifying to make sure I
19 understand, this was a document that a regional
20 GNETS program would sign if they were receiving
21 funds for a service agreement basically with a
22 provider of clinical services to GNETS students?

23 A No. This is a form that the fiscal agent
24 would sign to assure the Georgia Department of
25 Education that those funds would be used to provide

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

142

1 or enhance educational and therapeutic supports at
2 the GNETS.

3 Q Okay. So this form would be signed by the
4 fiscal agent?

5 A Correct.

6 Q This form would also be signed by the
7 GNETS director?

8 A Yes.

9 Q And the form was in connection with funds
10 provided to ensure that -- this says temporary
11 therapeutic services. Am I understanding that
12 right?

13 A Yes, you are.

14 Q If you look on the document, in the text
15 that appears in connection with No. 1 -- these are
16 the list of assurances that are being given in this
17 document, right?

18 There's an enumerated list of six of them?

19 A Yes.

20 Q And the first one says, "The fiscal agent
21 will enter no a temporary staffing service agreement
22 with a state approved therapeutic staffing service
23 provider for the current school year"?

24 A Yes.

25 Q So one of the assurances that was required

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

143

1 to be provided was that the fiscal agent entered
2 into a temporary staffing service agreement with a
3 therapeutic staffing service provider that was state
4 approved?

5 A Yes.

6 Q And when this says state approved, is that
7 approval by the Georgia Department of Education?

8 A To my knowledge, no, I do not think the
9 Georgia Department of Education had a list of
10 approved therapeutic staffing services.

11 Q Who decided whether a therapeutic staffing
12 service was state approved?

13 A I don't know the answer to that.

14 Q Moving down, another of the assurances was
15 that the GNETS director would provide data to the
16 Georgia Department of Education with, quote,
17 "caseloads, social-emotional progress monitoring
18 data, and fidelity of therapeutic sessions provided
19 by the contracted therapeutic professional."

20 A No. 4, yes.

21 Q No. 5?

22 A Yes.

23 Q Did you provide Ms. Rahming with any
24 feedback on this document?

25 A I don't recall.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
147

1 have had a discussion about them. I don't have any
2 other comment about it.

3 Q Okay.

4 MS. GARDNER: I'm going to hand the court
5 reporter what I would like to have marked as
6 Plaintiff's Exhibit 73.

7 (WHEREUPON, Plaintiff's Exhibit-73 was
8 marked for identification.)

9 BY MS. GARDNER:

10 Q Ms. Keith Brown, you have been handed
11 Plaintiff's Exhibit 73. This is an email from you
12 to Nakeba Rahming. The subject is "RE: SOBE
13 templates."

14 The email is dated August 16, 2017.

15 The Bates number on this first page is
16 GA00792054.

17 This is an email that you sent to Ms.
18 Rahming?

19 A Yes.

20 Q And in this email you say to Ms. Rahming:
21 "I just made a couple of edits. Track changes did
22 not work so you will have to reread to make sure
23 your voice is accurately represented where I made
24 minor edits."

25 Do you see that?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

148

1 A Yes.

2 Q In this email you are transmitting two
3 attachments back to Ms. Rahming, to which you made a
4 couple of edits?

5 A Yes.

6 Q Turning to the first attachment, which has
7 a beginning Bates No. GA00792055, correct that the
8 heading of this document says, "Georgia Department
9 of Education, Item for State Board of Education
10 Approval"?

11 A Yes.

12 Q And what was the purpose of a form like
13 this?

14 A This was the form used to submit
15 recommendations for approval or nonapproval for the
16 State Board of Education.

17 Q And this particular item for State Board
18 of Education approval, the item name here includes a
19 reference to "FY18 State Allocation - Therapeutic
20 Services Reimbursement for GNETS Fiscal Agents"?

21 A Yes.

22 Q And then if you look just beneath that,
23 what is the purpose of this particular item for
24 State Board of Education approval?

25 A The purpose of this item is to reimburse

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

149

1 GNETS fiscal agents for cost related to providing
2 therapeutic services, including funding to cover the
3 cost of providing GNETS with personnel to provide
4 therapeutic counseling services to children with
5 identified significant mental health and behavioral
6 needs.

7 Q Looking farther down this document, the
8 request here is -- or the recommendation here, I
9 should say, is for the State Board of Education to
10 authorize the State school superintendent to
11 reimburse GNETS fiscal agents for the purposes you
12 just described in the amount of \$575,000 in state
13 funds?

14 A Yes.

15 Q On the second page of this item for State
16 Board of Education approval, there is a rationale
17 provided for the recommendation. Is that correct?

18 A Yes.

19 Q And at least part of the rationale here
20 says that, and this is the second sentence, "The
21 onsite monitoring revealed some GNETS had a high
22 student to therapeutic staff ratio and/or could not
23 afford to hire therapeutic staff because the
24 2017-2018 GNETS grant funds were not sufficient for
25 some GNETS to cover the cost of hiring or

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

150

1 contracting therapeutic services for each child,
2 particularly those with significant needs."

3 A Yes.

4 Q And then it goes on to say: "The results
5 what's a gap in therapeutic service delivery for
6 some students."

7 A Yes.

8 Q So this item for State Board of Education
9 approval is intended to close some of the gaps in
10 therapeutic services delivery that are referenced
11 here?

12 A Yes.

13 MS. HERNANDEZ: Objection.

14 A Yes.

15 Q Also on that second page, there's a
16 section -- do you see that section titled,
17 "Performance, Criteria, and Results"?

18 A Yes.

19 Q And in the Performance, Criteria and
20 Results section it says that: "GNETS directors will
21 monitor and report to GaDOE the number and percent
22 of students receiving therapeutic services as well
23 as monitor individual progress in each students'
24 IEP/treatment plan"?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

151

1 Q Again, the reference here to GaDOE, that's
2 the Georgia Department of Education?

3 A Yes.

4 Q Moving on to the second attachment to the
5 email, and the first page of this one is
6 Bates-stamped GA00792057.

7 This is also a Georgia Department of
8 Education Item for State Board of Education
9 Approval?

10 A Yes.

11 Q And the item name here includes a
12 reference to "Contract with GSU to provide
13 Functional Behavioral Assessment/Behavioral
14 Intervention Plan (FBA/BIP) Trainer of Trainers."

15 A Yes.

16 Q GSU, the reference here, what does that
17 mean?

18 A Georgia State University.

19 Q And if you move down to the bottom of this
20 page where it says, "Recommendation - Action Item,"
21 am I correct here that the Georgia Department of
22 Education is recommending that the State Board of
23 Education authorize the State school superintendent
24 to enter into a contract with Georgia State
25 University, Center for Leadership and Disability at

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

153

1 MS. GARDNER: I'm going to hand the court
2 reporter what I would like to be marked as
3 Plaintiff's Exhibit 74.

4 (WHEREUPON, Plaintiff's Exhibit-74 was
5 marked for identification.)

6 BY MS. GARDNER:

7 Q The court reporter has handed you
8 Plaintiff's Exhibit 74. This is an email from
9 Nakeba Rahming to you dated August 22nd, 2017. The
10 subject is "Please provide feedback."

11 The Bates-stamp on this document is
12 GA00198949.

13 This is an email that Ms. Rahming sent to
14 you?

15 A Yes.

16 Q Keeping with our discussion about clinical
17 staff and regional GNETS programs, the first sort of
18 set of text with hashmarks in front of them, if you
19 see that, says: "The GADOE has identified gaps in
20 clinical staff (i.e., certified or licensed social
21 workers and psychologists) to provide intensive
22 individualized therapeutic to students served by
23 GNETS."

24 Do you see that?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

154

1 Q And then just beneath that, it says:
2 "Based on this information, GaDOE has approved
3 therapeutic staffing agencies to contract with GNETS
4 fiscal agents to fill these identified gaps."

5 Do you see that?

6 A Yes.

7 Q We discussed earlier in the context of the
8 assurances that we looked at that there were
9 therapeutic staffing agencies that had to be
10 approved. Do you recall that?

11 A Yes.

12 Q And am I correct in understanding from
13 this particular document that it says that GaDOE has
14 approved those therapeutic staffing agencies?

15 A Yes.

16 Q The bottom of this email, it notes two
17 options for fiscal agents to consider.

18 Do you see that?

19 A Yes.

20 Q The first one says, "The fiscal agent may
21 receive a reimbursement from GaDOE for provision of
22 clinical therapeutic related services only when
23 entering into an agreement with a GaDOE approved
24 provider."

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

155

1 Q So again in the assurances that we looked
2 at, the reimbursement for therapeutic services only
3 applied in the event the physical agent entered into
4 an agreement with the provider that the Georgia
5 Department of Education had approved?

6 A Correct.

7 Q There's a second option here that says:
8 "The fiscal agent may determine how therapeutic
9 services such as skills-based interventions would be
10 provided by non-certified personnel as well as
11 clinical therapeutic related services for intensive
12 students by licensed/certified personnel without a
13 reimbursement from GaDOE."

14 What did you understand that option to
15 mean?

16 A I, I don't -- I don't know other than if
17 the fiscal agent was going to use its local funding
18 to pay for the services.

19 Q When you say local funding to pay for
20 service, so for -- you mentioned many of the fiscal
21 agents are RESAs. You're saying a RESA's own
22 budget?

23 A No, I'm not saying a RESA's own budget.
24 I'm saying the fiscal agent may have local funds
25 that they could use to provide these services.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

169

1 Q And I thought I understood from that
2 conversation that for the project management plan,
3 that you started the project management plan with
4 sort of three core areas, I believe one of which
5 involved hiring Ms. Rahming; and that when Ms.
6 Rahming came on, you and she both worked on a
7 project management plan together.

8 Is that incorrect?

9 A That's incorrect. It needs explanation.

10 Q So please correct me.

11 A So I started a project management plan to
12 identify the work that I needed to do. Part of the
13 project management plan that I created for myself
14 was to hire Nakeba Rahming -- well, was to hire a
15 person, and it turned out to be Nakeba. And
16 together we developed a project management plan
17 moving forward. That could have or -- included some
18 of the recommendations that I made to the State
19 Board of Education.

20 Q Okay. So that project management plan
21 that you and Ms. Rahming created together, did it
22 have those original three items that you started
23 with on that project management plan?

24 A Correct.

25 Q And then you and Ms. Rahming added to that

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

170

1 project management plan at some point later?

2 A Correct.

3 Q Okay. Was there anyone else who worked on
4 that project management plan that the two of you
5 worked on together?

6 A I don't recall anyone working on it at the
7 time Nakeba and I were working on it.

8 Q And who maintained that project management
9 plan document?

10 A Nakeba.

11 Q Did you ever edit or make changes to that
12 document?

13 A We would have had discussions about the
14 items on the project management plan during our
15 meetings, and if I had any questions or feedback or
16 suggestions or recommendations, then it would have
17 been made, and I may have made them myself or I may
18 have given them to Nakeba.

19 Q So updates may have been made by you
20 personally or by Nakeba?

21 A Correct.

22 Q But Nakeba maintained the project
23 management plan document?

24 A It was her responsibility to maintain that
25 document.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

174

1 in staff members for therapeutic supports."

2 And then she continues on, but that's the
3 beginning of her response; is that right?

4 A Yes.

5 Q This information that was going to be
6 collected from GNETS directors to determine whether
7 there was a gap in staff members, is this part of
8 the information that was referenced in the summary
9 of the analysis of clinical staff in regional GNETS
10 programs that we looked at earlier?

11 A Yes.

12 MS. GARDNER: I'd like to hand the court
13 reporter what I am requesting be marked as
14 Plaintiff's Exhibit 79.

15 (WHEREUPON, Plaintiff's Exhibit-79 was
16 marked for identification.)

17 BY MS. GARDNER:

18 Q You have been handed Plaintiff's Exhibit
19 79. This is an email from Nakeba Rahming to you
20 dated February 12, 2016. The subject is "Draft #2
21 strategic plan."

22 And this cover email has a Bates stamp
23 GA00196865.

24 This is an email that Ms. Rahming sent to
25 you?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

175

1 A Yes.

2 Q And she says to you, quote: "I may be
3 referencing this document in our meeting with Stacey
4 so I wanted to make sure you had a copy."

5 Is that right?

6 A Yes.

7 Q And she attaches the document to her
8 email. So if you will take a look at that
9 attachment. The beginning Bates number of the
10 document is GA00196866.

11 Do you see that document?

12 A Yes.

13 Q Is this a copy of the strategic plan that
14 has come up in our conversation today?

15 A Yes.

16 Q This is an early version of the strategic
17 plan; is that fair?

18 A Yes.

19 Q And on the face of this attachment it
20 says, the lower right-hand corner, "Draft Number 2,"
21 February 11, 2016?

22 A Yes.

23 Q The title of this, just to give its full
24 title, says, "Georgia Network for Educational and
25 Therapeutic Support, Strategic Plan &

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
176

1 Self-Assessment Guide." Is that right?

2 A Yes.

3 Q Had you seen a version of this document
4 prior to receiving this email from Ms. Rahming?

5 (Witness reviews exhibit.)

6 A Yes.

7 Q You had seen a version of this document
8 prior to receiving this email from Ms. Rahming?

9 A Yes.

10 Q When did you first see a version of the
11 Strategic Plan & Self-Assessment Guide?

12 A I don't remember when I first saw the
13 document.

14 Q But some time before receiving this draft
15 No. 2?

16 A Yes.

17 Q Did Ms. Rahming draft the Strategic Plan &
18 Self-Assessment Guide herself?

19 A It is my belief that she did, yes.

20 Q And did you review versions of that
21 Strategic Plan & Self-Assessment Guide?

22 A Yes.

23 Q Did you provide comments and feedback on
24 the Strategic Plan & Self-Assessment Guide?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

177

1 Q Did anyone else review or provide feedback
2 on the Strategic Plan & Self-assessment Guide?

3 A I'm not certain. She may have asked staff
4 in the Special Education Division to review it. But
5 I don't know. She may have asked GNETS as well, but
6 I can't specifically recall if that is a yes or a
7 no.

8 Q Okay. What did you understand the process
9 by which the content of this document was developed
10 to be?

11 A I believe a group of GNETS directors were
12 a part of the development of the strategic plan. I
13 know there were other key personnel in the Special
14 Education Department, specifically Debbie Gay.
15 There may have been other staff persons.

16 And I know that information from GNETS
17 program director -- GNETS directors, as well as
18 other information that Nakeba may have known, would
19 have got into the content of this strategic plan.

20 Q Did Ms. Rahming ultimately make the call
21 on sort of what finally would be included in this
22 Strategic Plan & Self-Assessment Guide?

23 A I think it was a collaborative decision
24 between -- I was a part of the decision-making.
25 Debbie Gay would have been part of the

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
178

1 decision-making, Nakeba, and if I'm not mistaken, I
2 think the Strategic Planning Committee of the GNETS
3 group would have been a part of the final
4 decision-making as well.

5 So it would have been a collaborative
6 decision.

7 Q So I want to walk through this draft of
8 the Strategic Plan & Self-assessment Guide.

9 This is -- or is this a version of
10 strategic plan that Mr. Winter referred to as a
11 coaching tool in the email that we previously looked
12 at?

13 A Yes.

14 Q And am I correct in understanding that the
15 Strategic Plan & Self-assessment Guide is broken up
16 into sort of six primary sections?

17 A This draft has seven sections.

18 Q Does it have seven sections?

19 A Yes.

20 Q Oh. The last one is facilities. Okay.

21 So there are seven primary sections that
22 the Strategic Plan & Self-Assessment Guide is broken
23 up into?

24 A Yes.

25 Q At least this draft?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
179

1 A Correct.

2 Q And then within each of the sections of
3 the Strategic Plan & Self-Assessment Guide there is
4 an identified goal related to that section; is that
5 right?

6 A Correct.

7 Q And then beneath the goal there are
8 enumerated action items related to that goal?

9 A Correct.

10 Q And then this strategic plan identifies
11 the frequency with which those action items should
12 be done?

13 A Correct.

14 Q It also identifies the person responsible
15 for those action items?

16 A Correct.

17 Q It contains a column that's titled,
18 "Activities." What is that for?

19 A It is a list of the activities expected to
20 happen as a result of the action items.

21 Q Okay. And what about Measure/
22 Documentation? What is that?

23 A It is the documentation that would need to
24 be provided to document that the activities action
25 items goals, goals were met.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

180

1 Q And when you say would need to be
2 provided, provided to who?

3 A If -- actually, the GNETS would have
4 needed to make sure that they maintained that
5 documentation and provide it to Nakeba if she
6 requested that information.

7 Q The strategic plan also identifies the
8 resources that are needed for the enumerated action
9 items?

10 A Yes.

11 Q And then on the far right there is a
12 section that's titled "Rating Scale," right?

13 A Correct.

14 Q And is this a rating as to whether the
15 action item has been met?

16 A Yes.

17 Q For each item that's rated, there are
18 three potential ratings offered in the strategic
19 plan? Is that correct?

20 A Yes.

21 Q And what are those ratings?

22 A Not evident, emerging, and operational.

23 Q And am I correct that the legend that
24 tells you what evident, emerging and operational
25 means appears on the very first page of the

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

181

1 Strategic Plan & Self-assessment Guide?

2 A You are correct.

3 Q How would programs be rated in the areas
4 identified by this Strategic Plan & Self-assessment
5 Guide?

6 A How would programs --

7 Q How would regional GNETS programs be rated
8 in the areas identified by this Strategic Plan &
9 Self-Assessment Guide?

10 A I'm not sure I understand your question.

11 Q So we just went through the way that the
12 Strategic Plan & Self-Assessment Guide is
13 structured, and you told me that there is a rating
14 scale for every action item that is included in the
15 strategic plan, right?

16 A Correct.

17 Q Am I correct in understanding that this
18 rating was a rating of a regional GNETS programs
19 implementation of action items?

20 A It is a rating of -- it's a
21 self-assessment rating of each GNETS, and they would
22 rate the scale according to the evidence that they
23 were able to provide.

24 Q So the ratings that appear in the
25 Strategic Plan & Self-Assessment Guide are

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

182

1 self-assessments by the regional GNETS programs of
2 themselves?

3 A It is a -- it is a self-assessment guide.

4 Q Okay. Were the ratings that regional
5 GNETS programs assigned to themselves initially the
6 final ratings?

7 A It is my understanding that Nakeba would
8 have reviewed the ratings -- self-assessment guide
9 for each GNETS, and then would have looked for the
10 evidence that supported that rating at the GNETS,
11 and they would have had a discussion about the
12 rating and they would have come to an agreement on
13 the accuracy of the rating.

14 Q So regional GNETS programs would begin by
15 rating themselves on the self-assessment? That's
16 the first step?

17 A Correct.

18 Q And then Ms. Rahming would review the
19 ratings using a self-assessment guide to look for
20 evidence supporting those ratings for each regional
21 GNETS programs? That was kind of a second step?

22 A Correct. Under the resources that were
23 needed to show the justification for the rating.

24 Q Okay. And when Ms. Rahming did that, did
25 she look for the evidence supporting the rating

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

183

1 while on-site with regional GNETS programs?

2 A Yes.

3 Q And then you said while she was on-site
4 that she would have had discussions with the
5 regional GNETS programs about their ratings in light
6 of the evidence that she reviewed related to those
7 ratings?

8 A I cannot say for certain that it was
9 on-site with every -- I'm sorry -- GNETS director
10 because it could have been at a GNETS meeting, and
11 the GNETS director brought their evidence with them.

12 So there could have been a number of ways
13 that she would have reviewed the data supporting the
14 justification for the rating that a GNETS would have
15 assigned their GNETS.

16 Q Okay. But whether her review occurred
17 on-site or elsewhere, she would have reviewed the
18 regional GNETS program's initial self-assessment
19 rating to look for evidence supporting that rating,
20 and then had a discussion with the regional GNETS
21 program about that?

22 A Correct.

23 Q Were the ratings for each regional GNETS
24 program, the sort of final ratings for each regional
25 GNETS program, maintained somewhere?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
184

1 A I'm not sure.

2 MS. GARDNER: I'm going to hand you what
3 I'd like to have marked as Plaintiff's Exhibit
4 80.

5 (WHEREUPON, Plaintiff's Exhibit-80 was
6 marked for identification.)

7 BY MS. GARDNER:

8 Q You have been handed Plaintiff's Exhibit
9 80. This is an email from you to Nakeba Rahming.
10 The subject is "Guidance for completing strategic
11 plan and self-assessment." The email is dated
12 October 17, 2016.

13 The Bates-stamp on the cover email is
14 GA00053667.

15 This is an email that you sent to Ms.
16 Rahming?

17 A Yes.

18 Q And here you say: "I finally finished the
19 guidance document"?

20 A Yes.

21 This is a document that you were working
22 on?

23 A Yes.

24 Q And it says here that you look forward to
25 reviewing with Ms. Rahming the needed edits?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

185

1 A Yes.

2 Q You attach the guidance documents that
3 you're referencing to that email, right?

4 A Yes.

5 MS. GARDNER: I'll note for the record the
6 first page of that attachment is Bates-stamp
7 GA00053668.

8 BY MS. GARDNER:

9 Q Turning to the attachment, what is the
10 title at the top of this document?

11 A The title is "Guidance for Completing the
12 GNETS Strategic Plan and Self-assessment Rubric."

13 Q Did you draft this document?

14 A No.

15 Q What was your role with respect to this
16 document?

17 A I was to give feedback to Nakeba with
18 respect to this document.

19 Q So Ms. Rahming drafted this document
20 initially?

21 A Yes.

22 Q And I take it at some point prior to this
23 email that you sent to Ms. Rahming on October 17,
24 2016, she requested that you review this document?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
186

1 Q And here, when you say you finally
2 finished the guidance document, are you saying you
3 finished reviewing it?

4 A Yes.

5 Q And you're attaching your reviewed
6 version, and I don't know if this contains feedback
7 or edits from you, but is that what was happening
8 here?

9 A I don't know if this included my feedback
10 or not, but, yes, that would have been what I was --
11 I would have reviewed the document and sent her the
12 attached document with my reviews.

13 Q Understood. What was the purpose of this
14 document?

15 A This document was to serve as a
16 self-assessment tool for the GNETS program directors
17 and to outline the expectations for all of the
18 GNETS, and to ensure that the components in the
19 State Board of Education rule was included in the
20 work -- was included in the strategic plan, so that
21 the department could ensure that GNETS were aware of
22 all the requirements in the State Board rule and how
23 those requirements were to be implemented in
24 accordance with the guidance document.

25 Sometimes I say operational -- operational

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
187

1 manual, but the guidance document.

2 Q So you said -- you described this as a
3 self-assessment tool for the GNETS program
4 directors?

5 A It is a strategic plan and self-assessment
6 tool for the GNETS directors, yes.

7 Q Okay.

8 A For the GNETS program, yes.

9 Q And just so that I am clear, this document
10 is different from the Strategic Plan &
11 Self-assessment Guide that we just looked at,
12 correct?

13 A This document is the guidance for
14 completing the GNETS Strategic Plan and
15 Self-Assessment Rubric, which is the document we
16 looked at in Plaintiff's Exhibit No. 79, GNETS
17 Strategic Plan & Self-Assessment Guide.

18 Q So is it fair to think of this as somewhat
19 of a companion to that document that you looked at
20 in Plaintiff's Exhibit 79?

21 A Yes.

22 Q Okay. This guidance document lists
23 documentation and evidence that can be used to
24 determine those self-assessment ratings in each of
25 the broad areas of the strategic plan, correct?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

188

1 A Yes.

2 Q And it also provides criteria for
3 determining which rating as between operational,
4 emerging, and not evident should be selected?

5 A Yes.

6 Q And when I say it provides criteria for
7 determining which rating should be selected,
8 initially the rating would be selected by the
9 regional GNETS programs?

10 A Yes.

11 MS. HERNANDEZ: Kelly, can we take a
12 five-minute break?

13 MS. GARDNER: Yes.

14 THE VIDEOGRAPHER: Off the record at 3:55
15 p.m.

16 (A recess was taken.)

17 THE VIDEOGRAPHER: We're back on the
18 record at 4:04 p.m.

19 MS. GARDNER: We're marking what is
20 Plaintiff's Exhibit 81.

21 (WHEREUPON, Plaintiff's Exhibit-81 was
22 marked for identification.)

23 BY MS. GARDNER:

24 Q You have been handed what is marked as
25 Plaintiff's Exhibit 81. This is an email from

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

192

1 right?

2 A Yes.

3 Q Is that an accurate summary of how the
4 review process worked?

5 A Yes.

6 Q It says at the beginning of the review
7 process that: "GNETS directors and their leadership
8 teams were charged with implementing the components
9 of the GNETS strategic plan."

10 Do you see that?

11 A Yes.

12 Q Who charged the GNETS directors and their
13 leadership teams with implementing the strategic
14 components in the plan?

15 A That would have been Nakeba.

16 Q Looking at the last two sentences of this
17 review process, do you see the sentence beginning
18 "If the evidence presented clearly supports the
19 implementation of the components"?

20 A Yes.

21 Q Does this refer to the process that we
22 discussed earlier where regional GNETS programs
23 initially self-assess and select a rating and then
24 Ms. Rahming would review that rating in light of the
25 evidence that existed, and if the evidence supported

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022

214

1 Q And where did that meeting take place?

2 A I am not sure, but if I can go back to the
3 beginning of the presentation, it should be there.

4 It's not there. I'm not sure where it was
5 held.

6 Q I'm going to turn to talk just a bit about
7 the work that you were involved in with the facility
8 aspect of your work related to GNETS.

9 Sort of in a -- at a high level, can you
10 just tell me about what it was that you were
11 involved in, what you were working towards, what the
12 goals of that facility work were?

13 A Yes. My understanding was there was an --
14 a capital outlay appropriation for GNETS facilities.
15 The funding was available for repairs and/or
16 improvement at GNETS facilities.

17 Because of the amount of funding that was
18 available, we had -- it was required by the State of
19 Georgia to put the repairs out for bid. And so my
20 main role was to make sure that we followed the
21 Department of Education's guidelines for working
22 with the Department of Administrative Services of
23 the State of Georgia to follow those guidelines by
24 the letter to have a company to review the GNETS
25 facilities and make recommendations on improvements.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
226

1 Q There are four facilities listed on that
2 attachment?

3 Are there four facilities listed on that
4 attachment?

5 A Yes.

6 Q And that attachment, just for the record,
7 appears the placeholder with the Bates-stamp
8 GA00196898.

9 MS. HERNANDEZ: Is that the page I'm
10 missing? I just want to make sure.

11 MS. GARDNER: Yeah. This will be
12 Plaintiff's Exhibit 90.

13 (WHEREUPON, Plaintiff's Exhibit-90 was
14 marked for identification.)

15 BY MS. GARDNER:

16 Q You are being handed what's marked as
17 Plaintiff's Exhibit 90. This is an email from
18 Nakeba Rahming to you. The subject is "try it."

19 The email was sent on July 11, 2016, and
20 is Bates-stamped GA00197241.

21 This is an email that Ms. Rahming sent to
22 you attaching a document titled, "GNETS Exit
23 Strategy Plan - for Priority sites."

24 Is that correct?

25 A Yes.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
227

1 Q And if you turn to the page beginning with
2 Bates Stamp GA00197242, is this that attached
3 document that's a GNETS exit strategy plan?

4 A Yes.

5 Q If you look on the first page of that
6 strategy plan, the third bulleted point down, in the
7 second sentence in that paragraph, it says: "Nine
8 sites that were identified by GaDOE's initial
9 assessment were prioritized for validation and a
10 more in-depth condition assessment by the
11 contractor."

12 Do you see that?

13 A Yes.

14 Q And then if you turn to Page 2, the third
15 bullet point down, "What will be the message and how
16 will it be delivered?"

17 Am I correct this bullet point references
18 a final assessment of priority sites that yielded
19 nine priority sites that GaDOE has concluded can no
20 longer provide instructional and therapeutic
21 services in the current sites?

22 A Yes.

23 Q So is it fair to say that after the
24 facilities reviews of GNETS facilities were
25 conducted, that there were nine sites where the

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
228

1 Georgia Department of Education concluded that those
2 sites could not continue serving GNETS students?

3 MS. HERNANDEZ: Objection.

4 A Yes.

5 Q And to be clear, when I say cannot
6 continue serving GNETS students, could not continue
7 serving GNETS students in the facilities that they
8 -- in those nine facilities?

9 A The final assessment of priority sites
10 yielded nine propriety sites that GaDOE has
11 concluded can no longer provide instructional and
12 therapeutic sites in the current site.

13 Q And immediately beneath that, it says:
14 "Therefore, GaDOE will issue a mandatory exit plan
15 for all students referring services in any of the
16 nine priority sites." Right?

17 A Yes.

18 Q And what did that mean, that the Georgia
19 Department of Education would issue a mandatory exit
20 plan for all students receiving services in any of
21 those nine sites?

22 A It meant that the GaDOE would issue a --
23 that the GNETS site create an exit strategy and
24 submit that exit strategy.

25 Q So basically the Georgia Department of

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
229

1 Education was requiring that students be moved out
2 of those nine facilities into some other facility?

3 A They were requiring that that facility --
4 those nine facilities could no longer provide
5 services at those facilities.

6 Q Right. And so would that necessitate
7 moving students from those facilities to somewhere
8 -- to somewhere else?

9 MS. HERNANDEZ: Objection.

10 A If there were students there, it would
11 mean that the exit strategy would have to have a
12 component where a discussion about the students' IEP
13 and where services for that student would be
14 provided.

15 Q And this document was the strategy for
16 supporting -- and on the first page it says:
17 "Supporting schools, LEAs and GNETS when the
18 leadership team at GaDOE determines that the
19 facility should no longer be considered a site to
20 support the instructional and therapeutic needs of
21 students." That's what this document was?

22 A Yes.

23 MS. GARDNER: Can we take a break, short
24 one.

25 THE VIDEOGRAPHER: Off the record at 5:27

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
230

1 p.m.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: We're back on the
4 record at 5:40 p.m.

5 BY MS. GARDNER:

6 Q Ms. Keith Brown, we have been talking
7 about the GNETS facility review process.

8 MS. GARDNER: And I would like to have the
9 court reporter mark this document as
10 Plaintiff's Exhibit 91.

11 (WHEREUPON, Plaintiff's Exhibit-91 was
12 marked for identification.)

13 BY MS. GARDNER:

14 Q The court reporter has handed you
15 Plaintiff's Exhibit 91. This is an email from
16 Stacey Suber-Drake to Nakeba Rahming and you, sent
17 on July 25th, 2016.

18 The subject line is "Forward: Scanned
19 from a Xerox Multifunction Printer."

20 The Bates-stamp on the cover of this email
21 is GA01486054.

22 You received this email from Stacey
23 Suber-Drake?

24 A Yes.

25 Q And this email contains an attachment that

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
231

1 does is a PDF titled "Burwell Program."

2 Do you see that?

3 A Yes.

4 Q What is the document that's attached to
5 this email?

6 A I don't understand your question.

7 Q What is the document that Stacey
8 Suber-Drake was forwarding to you in this email?

9 A It is a document on Georgia State Board of
10 Education letterhead, sent to Dr. Pope.

11 Q And Dr. Pope is the chair of the
12 Carrollton Board of Education?

13 A Correct.

14 Q This letter is sent by Michael P. Royal,
15 who is the chairman of the State Board of Education?

16 A Yes.

17 Q And in this letter Mr. Royal says, in the
18 first paragraph, about halfway down: "423 Alabama
19 Street, Carrollton, GA 30117-3002, has been
20 identified as a facility where children cannot
21 continue to be served. Therefore, students
22 referring services at this facility must immediately
23 be transitioned out of this site before the
24 beginning of the school year."

25 Is that an accurate reading?

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
232

1 A Yes.

2 Q So this is a letter from the State Board
3 of Education notifying the Carrollton Board of
4 Education they have one of the nine facilities that
5 we discussed that students were required to be moved
6 out of?

7 A Yes.

8 Q Did other letters like this go out
9 regarding the other nine facilities that GNETS
10 students were required to be moved out of?

11 A I believe that is accurate.

12 Q And was the language in those letters
13 substantially the same as the language appearing
14 here, with the exception of those parts that
15 reference the specific address of the facility,
16 addressee, that sort of thing?

17 A I would assume the language would be the
18 same, yes.

19 MS. GARDNER: I'm going to ask this be
20 marked as Plaintiff's Exhibit 92.

21 (WHEREUPON, Exhibit-92 was marked for
22 identification.)

23 BY MS. GARDNER:

24 Q The court reporter has handed you what is
25 marked as Plaintiff's Exhibit 92.

CLARA KEITH BROWN
UNITED STATES vs STATE OF GEORGIA

June 07, 2022
236

1 A Yes.

2 Q And who would have been the person to
3 assess her performance?

4 A I'm not really sure. I would have
5 provided data to Debbie Gay and Matt Jones.

6 Q Did -- you kind of were a key
7 decision-maker in the decision to hire for the
8 position that Ms. Rahming ultimately accepted at the
9 Georgia Department of Education; is that fair?

10 A Yes.

11 Q Were Ms. Rahming's duties in that position
12 exclusively related to the GNETS program?

13 A Yes.

14 Q During the time that you worked with Ms.
15 Rahming, did you have any concerns about her
16 performance?

17 A No.

18 MS. HERNANDEZ: Objection.

19 Q You can answer.

20 A No.

21 Q Do you still keep in touch with Ms.
22 Rahming?

23 A Occasionally, yes.

24 Q Where is she now?

25 A What do you mean where is he now?